RESPONSE

Claims Status

Claims 1 – 30 were originally filed in this application. A restriction requirement was issued on July 14, 2006, and in a response thereto, Applicant elected to pursue claims 1 – 18 and 29 in this application. An office action was issued on November 17, 2006, rejecting claims 1, 2, 4, 6, 7, 9 – 13, 15, 17, 18 and 29, and indicating that claims 3, 5, 8, 14 and 16 would be allowable if rewritten in independent form incorporating all elements of the claims from which they depend.

In this response, Applicant has amended independent claims 1, 3 and 29. Support for the amendments can be found throughout the originally filed specification and claims, and, for example, at paragraph [0073] of the application as published. No new matter has been added.

Claim Objections

Applicant thanked the Examiner for the favorable examination of claims 3, 5, 8, 14 and 16.

Claim Rejections

In the current Action, claims 1, 2, 4, 6, 7, 9-13, 15, 17, 18 and 29 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by "Moving Object Detection and Event Recognition Algorithm for Smart Cameras" by Olson et al. ("Olson").

Applicants respectfully submit that the claims as amended are patentable over the cited reference.

Interview Summary

Applicant thanks Examiner Shearali for his time and courtesy extended during the various telephonic interviews with the undersigned attorney regarding this case, and for his helpful suggestions regarding the claim amendments. The following is intended to constitute a proper recordation of the interviewed in accordance with M.P.E.P. §713.04.

Rejections Under 35 U.S.C. §102

Independent claims 1 and 29, as amended, recite analyzing video data having multiple background features, and video frames within the data having multiple image regions, by providing background classifications corresponding to each of the background features; comparing a value associated with the image regions to a background-specific threshold; and assigning one of the background classifications to one of the image regions based on a location of the object relative to the image regions and the comparison. As a result, the claimed technique facilitates identification of objects within a video data stream as they relate to one of many possible backgrounds (e.g., a floor, wall, ceiling, etc.) within the scene. See, for example, paragraphs [0064] – [0066] of the application as published.

As noted during the interviews, Olson does not describe the use of thresholds to determine if an element of a video image is to be considered a background. Generally, Olson describes a set of algorithms for moving-object detection and event recognition within a video stream. (Olson, pg. 159, Abstract.) Specifically, unlike the claimed technique that uses background-specific thresholds to determine which background (if any) an image region should be attributed to, Olson merely represents a single, known background (the floor) and attempts to calculate the depth-of-field for various image regions. In fact, Olson recognizes the shortcomings of his algorithm when applied to scenes in which additional objects (chairs, doorways, etc.) are present. For example, Olson admits "Anomalously large values occur in several locations . . . because the office chair is frequently moved around the region and the system sometimes mistakes it for a person. Since it is significantly smaller than a real person, the system interprets it as evidence that the floor supporting it is further away than it actually is." (Olson, pg. 172, §6.2, para. 5.) Essentially, the Olson approach attributes depth-of-field values to image regions based on the relationships of objects to a single, known plane (the floor). Olson does not, therefore, teach or suggest methods for applying one or more backgrounds to image regions by using background-specific thresholds.

Thus, Applicant respectfully submits that independent claims 1 and 29 as amended, as well as those claims that depend therefrom, are patentable over the cited reference.
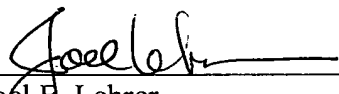
CONCLUSION

LIBC/2897155.1

Applicant respectfully requests that the Examiner reconsider the application and claims in light of this Response, and respectfully submits that the claims are in condition for allowance. If the Examiner believes, in his review of this Response or after further examination, a telephonic interview would expedite the favorable prosecution of the present application, the Applicant's attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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